

# Senate Study Bill 1027 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

## A BILL FOR

1 An Act requiring a person receiving a deferred judgment for  
2 or convicted of an aggravated misdemeanor to submit a DNA  
3 sample and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 81.2, subsection 1, Code 2013, is amended  
2 to read as follows:

3 1. A person who receives a deferred judgment for a felony or  
4 aggravated misdemeanor or against whom a judgment or conviction  
5 for a felony or aggravated misdemeanor has been entered shall  
6 be required to submit a DNA sample for DNA profiling pursuant  
7 to section 81.4.

8 Sec. 2. Section 81.10, subsection 1, Code 2013, is amended  
9 to read as follows:

10 1. A defendant who has been convicted of a felony or  
11 aggravated misdemeanor and who has not been required to submit  
12 a DNA sample for DNA profiling may make a motion to the court  
13 for an order to require that DNA analysis be performed on  
14 evidence collected in the case for which the person stands  
15 convicted.

16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
17 3, shall not apply to this Act.

18 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2014.

19 EXPLANATION

20 This bill requires an aggravated misdemeanant to submit a  
21 DNA sample.

22 The bill requires a person convicted of or who receives  
23 a deferred judgment for an offense that is classified as  
24 an aggravated misdemeanor to submit a DNA sample for DNA  
25 profiling.

26 The bill allows a defendant convicted of an aggravated  
27 misdemeanor and who has not been required to submit a DNA  
28 sample to move the court to order DNA profiling of evidence  
29 collected in the defendant's case.

30 Current law provides that a person who is convicted of or  
31 who receives a deferred judgment for an offense classified as a  
32 felony shall submit a DNA sample for DNA profiling.

33 The bill may include a state mandate as defined in Code  
34 section 25B.3. The bill makes inapplicable Code section 25B.2,  
35 subsection 3, which would relieve a political subdivision from

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1 complying with a state mandate if funding for the cost of  
2 the state mandate is not provided or specified. Therefore,  
3 political subdivisions are required to comply with any state  
4 mandate included in the bill.

5 The bill takes effect July 1, 2014.